GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The All India Services (Discipline & Appeal) Rules, 1969 – Sri Gopal Krishna Dwivedi, IAS, Principal Secretary to Government, Panchayat Raj & Rural Development Department – Proceedings administering Censure by the State Election Commissioner – Rejected – Orders – Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT
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G.O.RT.No. 132 Dated: 27-01-2021.

Read:-

Proceedings of the State Election Commissioner, A.P. State Election Commission, Proceedings. No. 28/SEC-B2/2021, dated 26.01.2021.
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ORDER:

In the reference read above, the State Election Commissioner, Andhra Pradesh State Election Commission issued proceedings administering Censure against Sri Gopal Krishna Dwivedi, IAS. Principal Secretary to Government, Panchayat Raj & Rural Development Department and that the same will form part of his Service Record.

2. According to the O.M. No.11012/7/98-Estt.(A), dated 07.11.2000 read with O.M. No. 11012(4)/2008-Estt.(A), dated 20.03.2008, issued by the Government of India, Department of Personnel & Training, the Election Commission is empowered to suspend any officer / police personnel working under the Central Government or Public Sector Undertaking or an Autonomous body fully or partially funded by the Government, for insubordination or dereliction of duty besides making recommendations to the Competent Authority for taking disciplinary action, while engaged in the preparation of electoral rolls or election duty. These guidelines were issued in terms of the settlement between the Union of India and Election Commission of India, in one of the issues before the Hon'ble Supreme Court of India in w.p.(c) No. 606/1993 in the matter of Election Commission of India Vs. Union of India & others regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28A of the Representation of the People Act, 1951 and section 13CC of the Representation of the People Act,1950.

3. According to the All India Services (Discipline & Appeal) Rules, 1969 (Part-III and Rules 6 and 7), the State Government is the only competent authority to institute disciplinary proceedings and impose minor penalties against the AIS Officers serving in connection with the affairs of a State by following the procedure laid down under rule 10 of the prescribed said rules.

4. According to O.M.No.11012(4)/2008 dated 28.7.2008 the Election Commission can only make recommendations to the competent authority for taking disciplinary action for any act of in-subordination/ dereliction of duty while on election duty.

5. Government have observed that the State Election Commissioner issued the proceedings administering Censure against Sri Gopal Krishna Dwivedi, IAS, Principal Secretary to Government, Panchayat Raj & Rural Development Department without disciplinary jurisdiction, by trespassing the powers of the State Government. Thus, the said proceedings have violated the said Rules and is bad in law.

(P.T.O.)

6. The Government, therefore, decided to reject the proceedings of the State Election Commission which is arbitrary and was issued without following due procedure of law laid down in this regard.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To
Sri Gopal Krishna Dwivedi, IAS,
Principal Secretary to Government,
Panchayat Raj & Rural Development Department.
Copy to:
The Secretary to Government of India, Department of Personnel & Training,
North Block, New Delhi.

//forwarded: by order//

SECTION OFFICER (SC)